App. F. IX-4

Previous References

1930-1.

Private

File No. 67-30

Serial Nos. 1-2

Later References

General and Revenue Secretariat.

Serial Nos. Two

Part B for May 1931

SUBJECT.

Cultivation of lands included in Mining leases

To the Director of Mines
" Revenue
" Dy Comm of Dists
" Chief Inspector of Mines
" Heads of Depts.
No 8.10111-16-G 7/5/31

Mr Mahoney
4/8/31

Mine instructions in the matter of obtaining possession of Govt lands by lessees for the — etc Mines

5248

App. F. III—2]

General and Revenue Secretariat | Govt. File No. | of 1930.

Serial No. 1

From the Director of Geology (In charge) No. 4150-5 d. 23.12.30. States that Messrs. Manickavelu Mudaliar & Son who are the lessees of Bhaktavatsalli Ghatam adjoining Block in the Chennarayapatna Taluk (Mining Lease Ch. L. No. 153) have been cultivating certain lands lying within the area of the mining block after obtaining the consent of the Revenue Authorities early in 1923 and have been paying assessment thereon since then and requests formal sanction of Govt on the application moved by them for the cultivation of the lands in question and also a definite ruling that in such cases the consent of the lessees (i.e., Govt) should be obtained through the Geological Dept.

The previous files on the subject are traced & put up for orders.

2. Submitted for orders. If in view of the suggestion MW. of the Director instructions have 12.1.31. to be issued to Revenue authorities that in all such cases the Consent of the Geological Dept should be obtained before permitting cultivation of lands in Mining Blocks leased out for exploring minerals

KP 3. Formal permission may be given to Mr. 12.1.31. M. Mudaliar & the Rev. Commr. may be informed that in such cases in future, permission of Govt. should be obtained thro' the Geological Dept

Secy

Ca 17/1

M D 02853—G P B—50,000—8-7-30

Part I. File No. of 193

at present caught in another file. Who
is the Judge of that file

5. That question is about the mode of
rent that should be charged for lands in
ceded & P.L.'s & M.L.'s. Whether that file
has also been referred to Govt.
Secy D). 21/1

6. Annual permission may be
accorded with the observation that
the Rev. Comm. in such cases should
obtain permission of Govt thro' the
Geological Dept.

Third Member
22/1.
22/1

Second Member.

7. May be noted for the
Dir. the two Cases are regarding
the Govt dept also.
seem to is that a mining lessee
does not get agricultural land
even a lease under the
pretence of a mining lease and
cultivate it actual mining should be
Cultivation of the lease must likely
to affect mining in the minerals
in the land. If so not see any reason
why these should be the exceptions
to the general rule. The dept
of the Govt is likely to be in a better
position to know about cheap sand
to be leased for agricultural use of
safeguard the interests of Govt
in this direction
A 23/1/31

Draft to the R. G. Ankd.

NAK. KP 9. This may be transferred to the
21.1.31. Rev. Br. for noting as desired by
the 3rd. Mer.

Rev Br with Compt)

KP
2.2.31

10. According to para 38 of the Rules regulating the grant of mining leases, sanction of Govt. ~~was~~ has to be obtained before a lessee who has ~~worked~~ obtained a mining lease can cultivate the land. According to para 156 of the Revenue Manual, a lessee who has obtained a mining lease in respect of unoccupied Govt. lands is the registered occupant and is liable to pay the Land Revenue from the date of the lease. A lessee seems to be therefore entitled to cultivate the lands like other registered occupants of lands, if the sanction to cultivate the lands is obtained in accordance with para 38 of the Rules relating to mining

11. Since mining leases are granted only for a limited number of years, grant of permission to cultivate the lands comprised in the lease, if sanctioned by Govt., will be co-terminous with the period for which the mining lease is granted. (Vide para 5 of the Rules relating to mining leases). As the period for which such leases are granted can be ascertained only by consulting the Director of Geology, it seems to be absolutely necessary to consult the ~~consult the~~ Director in such cases.

12. The Rev - Comm - may also be consulted unofficially in this matter, if approved, as ~~was~~ suggested by the Third Member. Submitted for

Forwarded, with compliments, to the Revenue Commissioner in Mysore for favour of opinion.

By Order,

Seshavarayappa

9/2/1931. for Sec. Secy to Govt

Returned with compliments.

The rule requires only the consent of the lessors, who are defined in the rules to be the "Government", and such consent can be given through

any channel the Government thinks fit - Revenue or Geological Department. The grant of lands for cultivation is primarily the concern of the Revenue Department which should satisfy itself that the grant is unobjectionable and see that the grantee pays the necessary assessment and other charges. The correct procedure seems to be that permission to cultivate lands included in mining leases should be granted by the Revenue Department. At the same time, it is desirable that the Department of mines and Geology should also be kept informed of the disposal for agricultural purposes of the lands included in the mining leases. I therefore suggest that application? permission to cultivate lands included in the Mining areas may be entertained by the Director of Geology in the first instance and forwarded to the Revenue Department for disposal in the usual course in accordance with the provisions of Revenue Law, and that this officer may also be kept informed of the result of the disposal of each such darkhast. This procedure will be quite in conformity with the mining rules also.

As the occupancy granted in these cases may ordinarily be terminable with the party's mining or other license period, it follows that permission to cultivate will only be temporary and coterminous with the above period unless otherwise specifically ordered.

Draft letter to the Director dated 11.
MR.
1.4.31.

MR SRN
Adg to laying down the procedure in which more suitable in this regd to may have to be published in the Gazette for the info of the Public

Draft G. O. dated 11.
MR. KO
22.4.31. Gen. Secy

For perusal before issue
27/4

RG
27/413/
Issue
28/4

To the Director of Geology, Rec Yamm, D. G.'s of Districts, Chief Inspector of Mines & Heads of Depts. 11. No. D. 10111-165 d. 7.5.31. Issues instructions in the matter of obtaining permission of Govt by lessees for the cultivation of lands included in Mining Leases, in the State

2.

GOVERNMENT OF MYSORE

GEN. & REV. SECRETARIAT. 5248 3 JAN. 1931

Telegraphic Address:—"GEOL.

DEVELOPMENT BRANCH.
MYSORE GEOLOGICAL DEPARTMENT,

No. 4150-5 Econ. Section 2-1-31.

Bangalore, 23rd Decr *1930.*

Geol 67-30-1

FROM

A. M. SEN, ESQ., M.Sc., F.G.S., etc.,
Dy. Director of Geology in Mysore,
(In charge) *Bangalore.*

To

B. Narayanaswami Iyengar, Esquire, B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
Development Departments.

SIR,

In connection with the Bhaktarhalli Chrome Mining block in the Channarayapatna Taluk held by Messrs.V. Manickavelu Mudaliar & Son under M.L.No.158, I have the honour to state that the lessees have been cultivating certain lands lying within the area of the mining block. Clause 37 of the lease (office copy herewith however precludes the lessees from cultivating the said lands or in any way using them save for the purpose of the rights granted under the lease. But in the later forms of the Mining Lease the clause is modified with the addition of the following — "Without previously obtaining the consent of the lessors and paying the land revenue and other charges &c." It is therefore clear that what has been made explicit in the new form is only to be inferred in the clause under the old form. Hence for cultivating the lands included in the Bhaktarhalli block, the lessees Messrs. V. Manickavelu Mudaliar & Son, should obtain the consent of Government and pay land revenue &c.

It has been elicited on enquiry and verified from records that Messrs.V.Manickavelu Mudaliar & Son obtained cultivable rights over the lands in question from the Revenue authorities early in 1923 and have been paying assessment &c. since then. It was however considered that consent of the lessors meant consent of

Government through this Department and the lessees were therefore required to submit a formal application asking for such consent. This they have now done in their letter, dated 8th December 193(copy of which is herein enclosed.

It is now requested that formal sanction of Government may kindly be granted to the cultivation by Messrs.V.Manickavelu Mudaliar & Son of lands comprised in Sur.Nos.29 & 33 in Chavvenha village, and included in Bhaktarhalli Mining Lease block,for whic they have been paying assessment since 1923.

In connection with this reference I also request the favour of a definite ruling of Government to the effect that in cases of lessees contemplating cultivation of lands included in lease blocks the consent of the lessors (Government) should be obtained through this Department.

I have the honour to be,
Sir,
Your most obedient servant,

Director (In charge),
Mysore Geological Department.

C.N.

Letter, dated 8th December 1930, from Messrs.V.Manickavelu Mudaliar & Son, Palace Road, Bangalore, to the Director, Mysore Geological Department.

With reference to your letter No.4150-3 of the 24th October 1930, regarding formal sanction for cultivating lands comprised in our Mining Lease No.158 including Survey Nos.29 and 33 of Chavvenhalli village, we have the honour to state that, as already submitted by us, necessary sanction for cultivation was obtained years ago from the Revenue Department. As desired in your letter that formal sanction has to be obtained from your Department, we have the honour to request that you may be pleased to grant us necessary formal sanction for the cultivation of the lands referred to.

Copy.

Director(In charge),
Mysore Geological Department.

BHAKTARHALLI MINING BLOCK.

GRANTED TO

Messrs V. Manickavelu Mudliar & Son.

FOR MINING PURPOSES IN

Channaraypatna Taluk., HASSAN District.

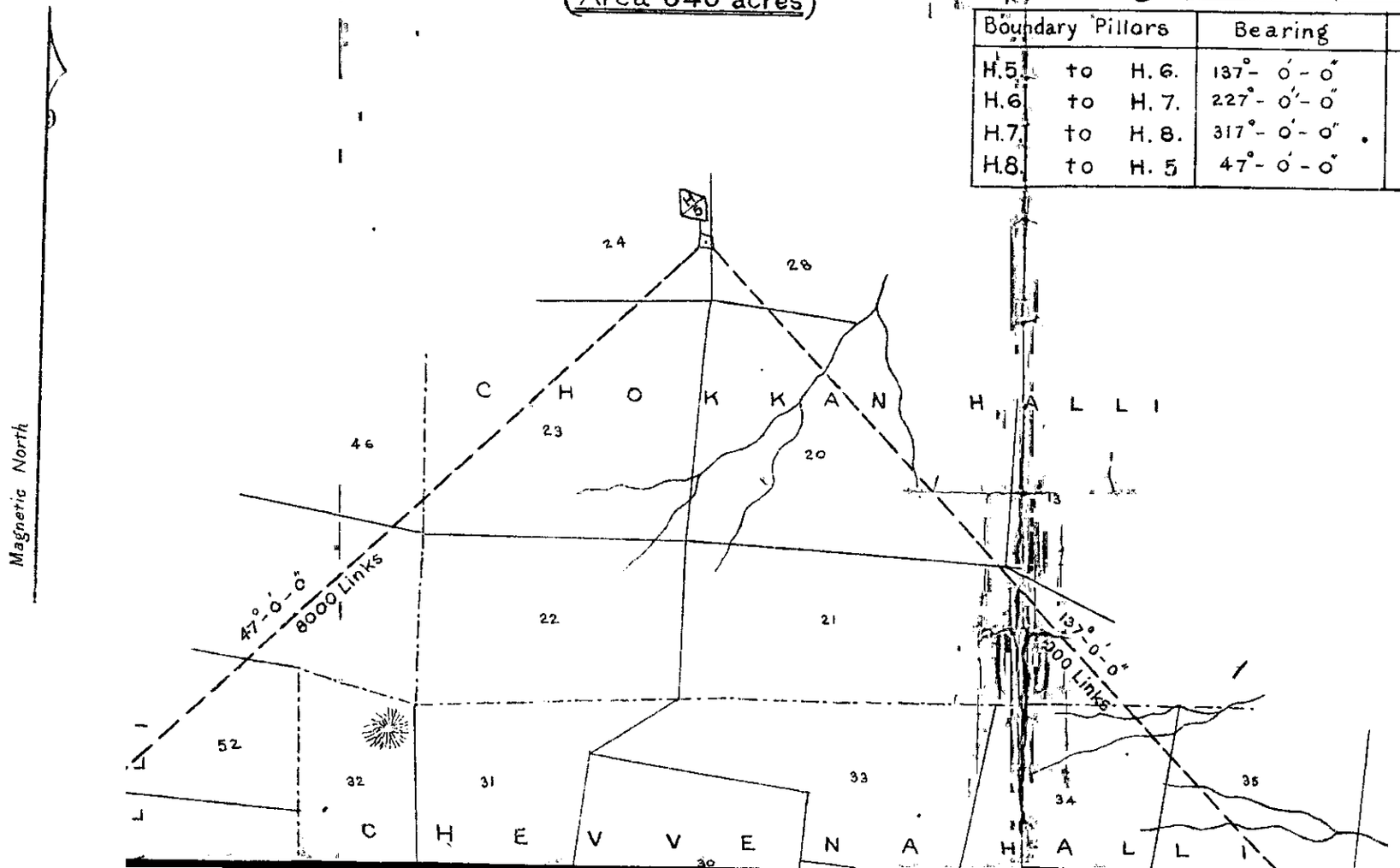
Topo Sheet No. 48.

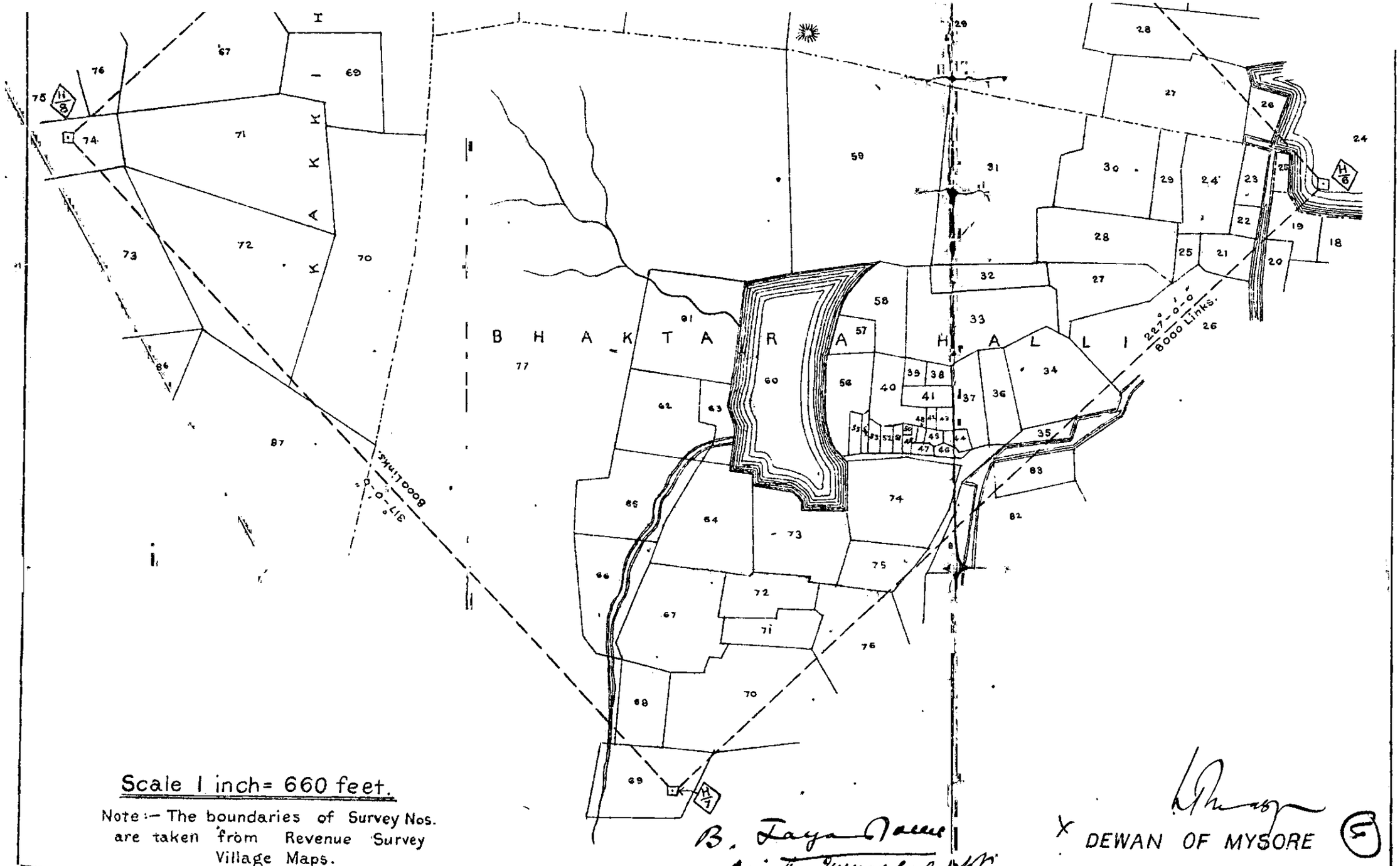
The block is outlined thus ---◇---

(Area 640 acres)

Mining Lease No. 158

Boundary Pillars			Bearing	Distance
H.5.	to	H. 6.	137°- 0'- 0"	8000 Links.
H.6	to	H. 7.	227°- 0'- 0"	8000 "
H.7.	to	H. 8.	317°- 0'- 0"	8000 "
H.8.	to	H. 5	47°- 0'- 0"	8000 "





Scale 1 inch = 660 feet.

Note :— The boundaries of Survey Nos. are taken from Revenue Survey Village Maps.

B. Taya Rao
Director, Survey & Settlement

DEWAN OF MYSORE

Proceedings of the Govt. of H.H.
the Maharaja of Mysore.

Read -

Letter from the Director of Geology No.G.17909/Geol.-25-18-13 dated 21st March 1921 sanctioning the grant of mining leases for chrome ore over certain lands included in and adjoining Bhaktarahalli block, Chennarayapatna Taluk to Messrs.V. Manickavelu Mudaliar & Son for a period of 30 years from 1st July 1922.

Dated 7/5/27.

Signed Sd. C.S. Narasimha

(2) Letter No.4150-5 dated 23rd Decr. 1930 from the Director of Geology in Mysore bringing to notice that the lessees referred to in the G.O. read above (letter) have been cultivating certain lands lying within the area of the mining block since 1923, having obtained cultivating rights over the lands in question from the Revenue Authorities, and requesting under clause 37 of the rules for formal sanction of Govt. for the cultivation of said lands, comprising survey numbers 29 and 33 in Chavvenhalli Village and included in the Bhaktarhalli Mining lease block, and also for requesting the favour of a definite ruling of Govt. that in cases of lessees contemplating cultivation of lands included in lease blocks the permission of Govt. should be obtained through the Geol. Dept.

(3) U.O. note No.C.3126/30-31 dated 11th April 1931 from the Revenue Commissioner in Mysore furnishing his opinion in the matter.

Order No.D.10111-165 7/5 May

Dated, April 1931

The permission granted by the Government for th-

cultivation of lands ~~comprised in survey~~ in the lists of this of Govt. ~~Nos. 22 and 23~~ referred to above, is confirmed.

1. The Director of Geology points out that ~~the forms~~ clause 37 of the mining leases contemplates previous permission of the lessee i.e. the Govt., being obtained ~~through the Geological Dept~~ (or other person outside the rights granted by the lease) for the cultivation of lands included in ~~the~~ mining leases ~~or in any way using them save for the purpose of rights granted under the leases~~ and he suggests that this permission should be obtained by the lessee from the Revenue Department on the usual lines while the Revenue Commissioner contends that the grant of land for cultivation being primarily the concern of the Revenue Dept., which should satisfy itself that the grantee pays the necessary assessment, ~~and other~~ charges, ~~and states~~ Concedes that the Dept. of Mines and Geology should be kept informed of the disposal for agricultural purposes of the land included in ~~the~~ mining leases. Govt. ~~generally~~ agree with the Revenue Commissioner and are therefore of opinion

3. ~~With a view that the procedure in such cases may be quite in conformity with the mining rules as well as the Revenue laws~~ Govt direct that applications for permission to cultivate lands included in mining areas ~~may~~ be entertained by the Director of Geol. in the first instance and forwarded to the Revenue Dept. for disposal in the usual course in accordance with the provisions of the Revenue Law and that the ~~Director~~ Revenue ~~should also be kept~~ Should keep the Director informed of the result of the disposal of each such charkast.

4. Permission to cultivate lands included in mining leases will lower only be temporary and co-terminous with the period of mining lease or other license period unless otherwise specifically ordered.

RJ 4/4/31 Co 27/4

Secy. to Govt. Dev. Deptts.

Aft K.P. 23.4.

To The Director of Geology not gone (18.6.31).
The Revenue Commissioner.
The Deputy Commissioners of Dists.
The Chief Inspector of Mines.
The Heads of Deptts.

Copy to Rev Br 2

This will have to be treated as a Standing order and published in the Gazette.

proceedings of the Government of His Highness
the Maharaja of Mysore.

Read Letter No.V.17909/Geol. 93-18-19 dated 21st March 1921 from the Director of Geology sanctioning the grant of a mining lease for chrome ore over certain lands included in and adjoining Shakkarahalli Block, Chennarayapatna Taluk, to Messrs. V. Manickavelu Mudaliar & Son for a period of 30 years from 1st July 1922.

2. Letter No.415C-5 dated 22nd December 1930 from the Director of Geology in Mysore bringing to notice that the lessees referred to in the ~~former Govt. Order~~ Letter read above have been cultivating certain lands lying within the area of the mining ~~leased~~ block since 1923, having obtained cultivating rights over them from the Revenue Authorities, and requesting formal sanction of Government under clause 37 of the lease for the cultivation of the said lands, viz., those comprising survey numbers 29 and 33 in Chevvanhalli Village and included in the Shakkarahalli Mining Lease Block and also for a definite ruling that in cases of lessees contemplating cultivation of lands included in lease blocks the permission of Government should be obtained through the Geological Department.

3. Unofficial Note No.V.3126/30-31 dated the 11th April 1931 from the Revenue Commissioner in Mysore furnishing his opinion in the matter.

Order No V./0111-165/Geol 67-30-2

Dated, Bangalore 14 May 1931.

The permission granted by the Revenue Authorities for the cultivation of lands referred to in the letter of the Director of Geology read above is confirmed.

2. The Director of Geology points out that clause 37 of the mining lease contemplates previous permission of the lessees from Government, being obtained for the cultivation of lands granted by the l

ands

App. F VI G 10.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

Cultivation of lands included in Mining Leases
Issue Instructions in the matter of obtaining permission of grant by lessees for the
in the Mysore State.

G. O. No. D.10111-165 / Genl.67-30-2 DATED 7.5.31.

May this be

i. printed ? yes

ii. treated as a standing order ? yes

iii. published in the Gazette English Part ? yes

iv. translated ? yes

v. placed at the disposal of the press ? yes

iv. published in the Gazette Kannada Part ? yes

[illegible] is suggested that this permission should be obtained through his department. On the other hand the Revenue Commissioner contends that the grant of land for cultivation being primarily the concern of the Revenue Department which should satisfy itself that this grant is unobjectionable and that the grantee pays the necessary assessment, and other charges, such permission should be granted by the Revenue Department. We, however, consider that the Department of Mines and Geology should be kept informed of the disposal, for agricultural purposes, of the land included in mining leases.

2. Government agree with the Revenue Commissioner and are pleased to direct that applications for permission to cultivate land included in mining ~~leases~~ areas be entertained by the Director of Geology in the first instance and forwarded to the Revenue Department for disposal in the usual course in accordance with the provisions of the Revenue law and that the Revenue Authorities should inform the Director of the result of the disposal in each such instance.

Permission to cultivate lands included in mining leases will, however, only be temporary and co-terminous with the period of mining lease or other license period unless otherwise specially ordered.

[signature]
for Secretary to Government,
Development Department.

MH

The Director of Geology in Yaoundé.
The Revenue Commissioner in Yaoundé.
The Deputy Commissioners of Districts.
The Chief Inspector of Mines in Yaoundé.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. D. 10111-165—Geol. 67-30-2, dated 7th May 1931.

Cultivation of lands included in Mining Leases.

Issues instructions in the matter of obtaining permission of ~~grant~~ Government by lessees for the — in the Mysore State.

READ—

Letter No. G. 17909—Geol. 95-18-19, dated 21st March 1921, to the Director of Geology, sanctioning the grant of a mining lease for chrome ore over certain lands included in and adjoining Bhaktarahalli Block, Channarayapatna Taluk, to Messrs. V. Manickavelu Mudaliar & Son for a period of 30 years from 1st July 1922.

2. Letter No. 4150-5, dated 23rd December 1930, from the Director of Geology in Mysore, bringing to notice that the lessees referred to in the letter read above have been cultivating certain lands lying within the area of the mining block since 1925, having obtained cultivating rights over them from the Revenue Authorities, and requesting formal sanction of Government under clause 37 of the lease for the cultivation of the said lands, *viz.*, those comprising survey numbers 29 and 33 in Chevvenhalli village and included in the Bhaktarahalli Mining Lease Block and also for a definite ruling that in cases of lessees contemplating cultivation of lands included in lease blocks the permission of Government should be obtained through the Geological Department.

3. Un-official Note No. C. 3126—30-31, dated the 11th April 1931, from the Revenue Commissioner in Mysore, furnishing his opinion in the matter

ORDER NO. D. 10111-165—GEOL. 67-30-2, DATED 7TH MAY 1931.

The permission granted by the Revenue Authorities for the cultivation of lands referred to in the letter of the Director of Geology read above is confirmed.

2. The Director of Geology points out that clause 37 of the mining lease contemplates previous permission of the lessors, *i.e.*, Government, being obtained for the cultivation (or other use outside the rights granted by the lease) of lands included in mining leases and he suggests that this permission should be obtained through his Department. On the other hand the Revenue Commissioner contends that the grant of land for cultivation being primarily the concern of the Revenue Department which should satisfy itself that the grant is unobjectionable and that the grantee pays the necessary assessment and other charges, such permission should be granted by the Revenue Department. He, however, concedes that the Department of Mines and Geology should be kept informed of the disposal, for agricultural purposes, of the land included in mining leases.

3. Government agree with the Revenue Commissioner and are pleased to direct that applications for permission to cultivate lands included in mining areas be entertained by the Director of Geology in the first instance and forwarded to the Revenue Department for disposal in the usual course in accordance with the provisions of the Revenue Law and that the Revenue Authorities should keep the Director informed of the result of the disposal of each such darkast.

4. Permission to cultivate lands included in mining leases will, however, only be temporary and co-terminous with the period of mining lease or other license period unless otherwise specifically ordered.

R. RANGA RAO
Secretary to Government
Development Departments.